

# Town of Frederick Board of Trustees



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AM 2009-064

## RESOLUTION OF SUFFICIENCY TO ANNEX THE NEW SAINT DIMITRIE CHURCH

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**Agenda Date:** Town Board Meeting – July 28, 2009


**Attachments:**

- a. Petition
- b. Letter of intent / project description
- c. Vicinity Map
- d. Annexation Map
- e. Resolution

**Fiscal Note:** None noted

  
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Marcia Lierman, Finance Director

**Submitted by:**   
\_\_\_\_\_  
Todd Tucker, Staff Planner

**Approved for Presentation:**   
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Derek Todd, Town Administrator

**AV Use Anticipated** Projector \_Y\_ Laptop \_\_\_

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**Certification of Board Approval:**

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Nanette Fornof, Town Clerk

\_\_\_\_\_  
Date

**Summary Statement:** Mr. Toderica has requested that public hearings be scheduled for consideration of the proposed annexation and zoning for a 4.62 acre parcel of land at the northeast corner of the intersection between Highway 52 and Puritan Lane. Staff finds the petition and application for annexation is substantially in compliance with the applicable provisions of the Land Use Code and has referred the request to the Board of Trustees for adoption of the following hearing dates in order to meet the public notice requirements for consideration of the request for annexation:

- ☐ 7:30 pm August 18, 2009 Planning Commission
- ☐ 7:00 pm September 8, 2009 Board of Trustees

**Detail of Issue/Request:**

**Applicant / Owner:** Nicolae Toderica

**Agent:** Kurt Rollin with CES Consultants

**Discussion:** The application is in substantial compliance with the applicable requirements and eligible for annexation. Therefore, in accordance with Section 13.5 of the Land Use Code, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning for public hearing on a specified date, time and place, not less than thirty days nor more than sixty days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S.

**Legal/Political Considerations:**

Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended and as determined by the Board of Trustees in its sole discretion. Furthermore, in accordance with the provisions of the Land Use Code, the Board of Trustees may annex the land by ordinance without election.

Authorization to proceed in scheduling public hearings for the proposed annexation and zoning does not obligate the Town to annex the site or vest any particular use. This authorization establishes the review schedule and determines the public hearing dates for the proposed annexation.

There are specific public notice requirements for annexations that will be met in accordance with the recommended hearing schedule. The annexation and zoning of the site is subject to review and approval through the applicable process as outlined in the Town's Land Use Code and governed by State law.

**Alternatives/Options:**

The Board may authorize the request, deny the request, or make modifications based on any new information to further the intent of the code and accommodate the unique features and circumstances of the site.

The proposed hearing dates comply with the public notice provisions of the Land Use Code; note that these notice provisions ensure that all interested parties have equal opportunity to participate in the public process.

**Financial Considerations:**

Not Applicable

**Staff Recommendation:**

Staff finds the application can meet the applicable requirements for annexation and respectfully requests that the Board of Trustees set hearing dates as follows:

- ☐ 7:30 pm August 18, 2009 Planning Commission
- ☐ 7:00 pm September 8, 2009 Board of Trustees